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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
GODDARD, BRIAN D	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/706,198
Filing Date: November 03, 2000
Appellant(s): NAJORK, MARC ALEXANDER

Philip S. Lyren
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06 June 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-4 and 6-18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,377,984	NAJORK et al. (Najork)	04-2002
6,182,085	EICHSTAEDT et al. (Eichstaedt)	01-2001

Heydon et al. "Mercator: A Scalable, Extensible Web Crawler" World Wide Web 2. (Dec 1999), pp. 219-229 (Heydon)

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 6 and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by the article entitled "Mercator: A scalable, extensible Web crawler" by Heydon et al.

Referring to claim 1, Heydon discloses the method of downloading data sets by a plurality of web crawlers as claimed. See Figure 1 and Sections 3.1 – 3.8 for the details of this disclosure. Heydon

teaches "a method [See Fig. 1] of downloading data sets by a plurality of web crawlers [worker threads] from among a plurality of host computers, comprising the steps of:

assigning a web crawler identifier [FIFO subqueue] to each one of the plurality of web crawlers [See Section 3.2, third paragraph];

for each respective web crawler:

downloading at least one data set [See Step 2] that includes addresses of one or more referred data sets;

identifying [See Steps 5-8] the addresses [URL(s)] of the one or more referred data sets, wherein each identified address includes a host computer identifier [host name (See Sections 3.2 & 3.8)];

for each identified address:

generating a representation [canonical host name / host name fingerprint] of the host computer identifier [See Sections 3.2 & 3.8];

determining a web crawler identifier [the particular worker thread's subqueue] to which the representation corresponds [See Section 3.2]; and

when the determined web crawler identifier is not assigned to the respective web crawler, sending the identified address [queuing the URL] to the web crawler to which the determined web crawler identifier is assigned [to the subqueue of the worker thread assigned to that host (See Section 3.2)]" as claimed.

Referring to claim 5, Heydon discloses the method for downloading data sets by a plurality of web crawlers as claimed. See Figure 1 and Sections 3.1 – 3.8 for the details of this disclosure. Heydon teaches "a method [See Fig. 1] of downloading data sets by a plurality of web crawlers [worker threads] from among a plurality of host computers, comprising the steps of:

for each respective web crawler:

receiving addresses [URL(s)] of one or more data sets from each of the plurality of web crawlers other than the respective web crawler [See Steps 8 & 1 and the discussion regarding claim 1 above];

for each received address:

determining [See Steps 4 & 7] if the address has been previously stored; and

if this determination is negative, storing the address [See Step 8]" as claimed.

Claim 6 is rejected on the same basis as claim 1. See the discussion regarding claim 1 above, as well as Figure 1 and the cited portions of the article for the details of this disclosure.

Claim 10 is rejected on the same basis as claim 1. See the discussions regarding claims 1 and 6 above for the details of this disclosure.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,377,984 to Najork et al.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to claim 1, Najork discloses the method of downloading data sets by a plurality of web crawlers as claimed. See Figures 1-6 and the corresponding portions of Najork's specification for this disclosure. Najork teaches "a method [See Figs. 3 & 5-6] of downloading data sets by a plurality of web crawlers [threads 130] from among a plurality of host computers, comprising the steps of:

assigning a web crawler identifier [queue identifier "r" (See Figs. 2-4)] to each one of the plurality of web crawlers [each thread (crawler) is assigned to exactly one queue (See Fig. 3B)];

for each respective web crawler:

downloading at least one data set [See Steps 334 & 560, and Column 4, line 63 et seq.] that includes addresses of one or more referred data sets;

identifying [See Steps 300, 500 & 564] the addresses [URL(s)] of the one or more referred data sets, wherein each identified address includes a host computer identifier [host name component "h"];

for each identified address:

generating a representation [canonical host name / host identifier "H"] of the host computer identifier [See Steps 301 & 502];

determining a web crawler identifier [See Steps 302-304, and 508 & 552] to which the representation corresponds; and

when the determined web crawler identifier is not assigned to the respective web crawler, sending the identified address [queuing the URL (See Steps 306, 510 & 554)] to the web crawler to which the determined web crawler identifier is assigned [See Figs. 3-5]" as claimed.

Referring to claim 2, Najork discloses the method of downloading data sets as claimed. See Figure 3 and the corresponding portion of Najork's specification for this disclosure. Najork teaches the method of claim 1, as above, "wherein the plurality of web crawlers consists of n web crawlers [See Figs. 1-3]; and generating the representation includes computing a function [See Steps 302-304] of the host computer identifier [H] to generate an integer value [r] that is a member of a set of n predefined distinct values" as claimed.

Referring to claim 3, Najork discloses the method of downloading data sets as claimed. See Figure 3 and the corresponding portion of Najork's specification for this disclosure. Najork teaches the method of claim 1, as above, "wherein the plurality of web crawlers consists of n web crawlers [See Figs. 1-3]; and generating the representation includes computing a hash function [See Step 302] of the host computer identifier [H] to generate an intermediate value V [I], and computing V modulo n [See Step 304]" as claimed.

Referring to claim 4, Najork discloses the method of downloading data sets as claimed. See Figures 2-3 and the corresponding portions of Najork's specification for this disclosure. Najork teaches the method of claim 1, as above, "wherein the sending step includes: determining a web crawler address [r] for the web crawler [thread] to which the determined web crawler identifier is assigned [See Steps 302-306]; and transmitting the identified data set address [See Fig. 2] to the destination web crawler at the determined web crawler address" as claimed.

Referring to claim 5, Najork discloses a method of downloading data sets by a plurality of web crawlers as claimed. See Figures 1-6 and the corresponding portions of Najork's specification for this disclosure. Najork teaches "a method [See Figs. 3 & 5-6] of downloading data sets by a plurality of web crawlers [threads 130] from among a plurality of host computers, comprising the steps of:

for each respective web crawler:

receiving addresses [URL(s)] of one or more data sets from each of the plurality of web crawlers other than the respective web crawler [See Fig. 2 and the discussion regarding claim 1 above];

for each received address:

determining [See Column 6, lines 48-52] if the address has been previously stored; and

if this determination is negative, storing the address [See the remainder of Fig. 5]" as claimed.

Claim 6 is rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claim 7 is rejected on the same basis as claim 3, in light of the basis for claim 6. See the discussions regarding claims 1, 3 and 6 above for the details of this disclosure.

Claim 8 is rejected on the same basis as claim 4, in light of the basis for claim 6. See the discussions regarding claims 1, 4 and 6 above for the details of this disclosure.

Referring to claim 9, Najork discloses the web crawler system as claimed. See Figure 4B and the corresponding portion of Najork's specification for this disclosure. Najork teaches the system of claim 6, as above, further comprising: for each respective web crawler, a lookup table [132]...as claimed.

Claim 10 is rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claims 11-13 are rejected on the same basis as claims 2-4 respectively, in light of the basis for claim 10. See the discussions regarding claims 1-4 and 10 above for the details of this disclosure.

Claim 14 is rejected on the same basis as claim 9, in light of the basis for claim 10. See the discussions regarding claims 9-10 above for the details of this disclosure.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter.

The claimed invention is fully disclosed in the article entitled "Mercator: A scalable, extensible Web crawler" by Heydon et al. and U.S. Patent No. 6,377,984 to Najork et al. as shown above. While applicant appears as party to both references (co-author of the article and co-inventor of the '984 Patent), at least one other author/inventor are party to each reference as well, showing that applicant did not invent the claimed subject matter alone.

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,182,085 to Eichstaedt et al.

Referring to claim 1, Eichstaedt discloses a method of downloading data sets by a plurality of web crawlers as claimed. See Figures 2-6 and the corresponding portions of Eichstaedt's specification for this disclosure. Eichstaedt teaches "a method of downloading data sets by a plurality of web crawlers [gatherers (608)] from among a plurality of host computers, comprising the steps of:

assigning a web crawler identifier [gatherer processor id "i" (See column 10)] to each one of the plurality of web crawlers;

for each respective web crawler:

downloading at least one data set that includes addresses of one or more referred data sets [See column 5, lines 35-50];

identifying the addresses [URL(s)] of the one or more referred data sets, wherein each identified address includes a host computer identifier [host domain name (See Figs. 5-6 & columns 9-10)];

for each identified address:

generating a representation [superpage] of the host computer identifier;

determining a web crawler identifier to which the representation corresponds [through mapping of superpages to gatherer processors (See Fig. 6)]; and

when the determined web crawler identifier is not assigned to the respective web crawler, sending [forwarding/sending] the identified address to the web crawler to which the determined web crawler identifier is assigned [See column 6, lines 39-67 and column 12, lines 32-38]" as claimed.

Referring to claim 2, Eichstaedt discloses the method of downloading data sets as claimed. See Figure 6 and the corresponding portion of Eichstaedt's specification for this disclosure. Eichstaedt teaches the method of claim 1, as above, "wherein the plurality of web crawlers consist of n [k] web crawlers; and generating the representation includes computing a function [See Fig. 6 & corresponding portion of specification] of the host computer identifier [superpage] to generate an integer value [partition 606] that is a member of a set of n predefined distinct values [See Fig. 6]" as claimed.

Referring to claim 3, Eichstaedt discloses the method of downloading data sets as claimed. See Figure 6 and the corresponding portion of Eichstaedt's specification for this disclosure. Eichstaedt teaches the method of claim 1, as above, "wherein the plurality of web crawlers consists of n [k] web crawlers; and generating the representation includes computing a hash function [communication hit-hash] of the host computer identifier [URL for an unknown superpage] to generate an intermediate value V, and computing V modulo n [See column 15]" as claimed.

Referring to claim 4, Eichstaedt discloses the method of downloading data sets as claimed. See column 6, line 47 – column 7, line 19 for the details of this disclosure. Eichstaedt teaches the method of claim 1, as above, "wherein the sending step includes: determining a web crawler address [Steps 404 & 406] for the web crawler to which the determined web crawler identifier is assigned; and transmitting [Step 405] the identified data set address [URL] to the destination web crawler [gatherer processor 403] at the determined web crawler address" as claimed.

Referring to claim 5, Eichstaedt discloses a method of downloading data sets by a plurality of web crawlers as claimed. See Figures 2-6 and the corresponding portions of Eichstaedt's specification for this disclosure. Eichstaedt teaches "a method of downloading data sets by a plurality of web crawlers [gatherers (608)] from among a plurality of host computers, comprising the steps of:

for each respective web crawler:

receiving addresses of one or more data sets from each of the plurality of web crawlers other than the respective web crawler [See column 6, lines 39-67 and column 12, lines 32-38];

for each received address:

determining if the address has been previously stored [checks the already-visited pool (See Sections G – H in columns 12-15)]; and

if this determination is negative, storing the address [the URL is added to its local queue]" as claimed.

Claim 6 is rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claim 7 is rejected on the same basis as claim 3, in light of the basis for claim 6. See the discussions regarding claims 1, 3 and 6 above for the details of this disclosure.

Claim 8 is rejected on the same basis as claim 4, in light of the basis for claim 6. See the discussions regarding claims 1, 4 and 6 above for the details of this disclosure.

Referring to claim 9, Eichstaedt discloses the web crawler system as claimed. See Figure 4 and the corresponding portion of Eichstaedt's specification for this disclosure. Eichstaedt teaches the system of claim 6, as above, further comprising: for each respective web crawler, a lookup table [Tspace 406]...as claimed.

Claim 10 is rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claims 11-13 are rejected on the same basis as claims 2-4 respectively, in light of the basis for claim 10. See the discussions regarding claims 1-4 and 10 above for the details of this disclosure.

Claim 14 is rejected on the same basis as claim 9, in light of the basis for claim 10. See the discussions regarding claims 9-10 above for the details of this disclosure.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt in view of Najork.

Referring to claim 15, Eichstaedt does not explicitly teach that each respective crawler includes multiple threads to download and process documents from a plurality of host computers as claimed.

Najork discloses a system and method similar to that of Eichstaedt, wherein a "web crawler" includes multiple threads to download and process documents from a plurality of host computers as claimed. See Figures 1-5 and the corresponding portions of Najork's specification for this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify each of Eichstaedt's crawlers/gatherers to include Najork's multiple threads to download and process documents from the plurality of host computers, to obtain the invention as claimed. One would have been motivated to do so to make each of Eichstaedt's gatherers more efficient, as disclosed by Najork.

Claims 16 and 17 are rejected on the same basis as claim 15, in light of the basis for claims 6 and 10 respectively. See the discussions regarding claims 1, 6, 10 and 15 above for the details of this disclosure.

Referring to claim 18, Eichstaedt v. Najork teaches the product of claim 17, as above, wherein each thread executes a main web crawler module [See Figs. 4-5] as claimed.

(11) Response to Argument

Preliminary Matter

As an initial matter, the examiner recognizes the presence of multiple rejections for the same claims in this Appeal, in light of MPEP 1211. However, as can be seen from the arguments below, the issues in this case are special and the examiner believes a single proceeding would better serve prosecution in this application. Namely, the Heydon and Najork references disclose substantially the same subject matter, both

anticipating some of the appealed claims, but together raise substantial questions of inventorship under 35 U.S.C. §102(f). The Eichstaedt reference also anticipates some of the claims, and when combined with the Najork reference obviates the rest. Therefore, the examiner respectfully requests the Board to consider all issues in a single proceeding.

A. Rejection of Claims 1, 6 and 10 under 35 U.S.C. §102(a) – Heydon.

Appellant's First Argument:

Appellant argues that Heydon does not teach or suggest a "plurality of web crawlers" and that the Office Action utilizes the terms "web crawler" and "thread" in a manner that is repugnant to the plain meaning of these terms.

Examiner's First Response:

As noted in the Final Office Action at pages 13-14, Heydon's worker threads are each considered separate "web crawlers" as each thread performs the function of a "web crawler." The examiner submits that this interpretation is not in any way repugnant to the plain meaning of the terms "web crawler" and "thread." Heydon's worker threads are certainly "threads" as per appellant's conventional (Webopedia) definition, but they are also "web crawlers" as per appellant's conventional definition of "web crawler." Specifically, Heydon's worker threads are programs (as a thread is by definition "a part of a program that can execute **independently**[1] of other parts", it is

[1] Although a thread is defined as "a part of a program" it is not repugnant to consider a thread "a program" because threads execute independently of, and concurrently with, other threads or parts of a program. A thread can be considered a sub-program, but still an individual program in and of itself, due to its independent execution.

itself a program) that automatically fetch web pages, as clearly shown throughout the reference and particularly in the cited portions. Thus, each and every one of Heydon's worker threads is considered a separate "web crawler" because each and every worker thread is "a program that automatically fetches web pages" as per appellant's conventional definition of "web crawler." The examiner therefore maintains that Heydon does teach the claimed "plurality of web crawlers." Note, this response applies to each of claims 1, 6 and 10.

Appellant's Second Argument:

Appellant argues that Heydon does not teach or suggest "assigning a web crawler identifier to each one of the plurality of web crawlers" as recited in claim 1. This argument is also substantially based on Appellant's First Argument above.

Examiner's Second Response:

As stated by appellant, Heydon's system assigns one FIFO subqueue per worker thread. Each worker thread is a web crawler, as in Examiner's First Response above. Further, the FIFO subqueue for each worker thread [web crawler] uniquely identifies that thread within Heydon's system because there is only one subqueue per thread, and one thread per subqueue. Each new URL added is placed in only one subqueue based on its canonical host name. The subqueue that the new URL is placed in uniquely identifies the thread [crawler] that is assigned to crawl that URL. Thus, Heydon's FIFO subqueue is considered a "web crawler identifier" as claimed. The examiner notes that the instant specification does not require an "identifier" to be numerical, keyword-based, or any other specific type of "identifier." Therefore, Heydon does teach the claimed

"assigning a web crawler identifier to each one of the plurality of web crawlers." Note, this response applies to each of claims 1, 6 and 10.

Appellant's Third Argument:

Appellant argues that Heydon does not teach or suggest "determining a web crawler identifier to which the representation corresponds; and when the determined web crawler identifier is not assigned to the respective web crawler, sending the identified address to the web crawler to which the determined web crawler identifier is assigned" as claimed. This argument is also substantially based on Appellant's First Argument above.

Examiner's Third Response:

Appellant has reduced Heydon's disclosure in Section 3.2 to teaching "a data structure (URL frontier) that contains all the URLs that remain to be downloaded within a single web crawler." (Appellant's Brief, page 8) However, Heydon teaches much more than this in Section 3.2. Appellant has failed to rebut the *prima facie* case of anticipation, ignoring the relevant explanation and citations within the Office Action. Namely, Heydon teaches:

"generating a representation [canonical host name / host name fingerprint] of the host computer identifier [See Sections 3.2 & 3.8];

determining a web crawler identifier [the particular worker thread's subqueue] to which the representation corresponds [See Section 3.2]; and

when the determined web crawler identifier is not assigned to the respective web crawler, sending the identified address [queuing the URL] to the web crawler to which the determined web crawler identifier is assigned [to the subqueue of the worker thread assigned to that host (See Section 3.2)]"

The reasoning applied in Examiner's First Response above also applies here, and is incorporated by reference. Thus, the examiner maintains that Heydon teaches each and every limitation of claims 1, 6 and 10.

B. Rejection of Claims 1-4 and 6-14 under 35 U.S.C. §102(e) – Najork.

Appellant's Fourth Argument:

Appellant argues that Najork does not teach or suggest the claimed "plurality of web crawlers." Appellant's reasoning is substantially the same as that presented in Appellant's First Argument above.

Examiner's Fourth Response:

As with Heydon, each one of Najork's worker threads is considered equivalent to a "web crawler" as claimed. See Examiner's First Response above. Najork does teach "a plurality of web crawlers" as claimed based on substantially the same reasoning as presented in Examiner's First Response above, herein incorporated by reference.

Appellant's Fifth Argument:

Appellant argues that Najork does not teach or suggest "assigning a web crawler identifier to each one of the plurality of web crawlers" as claimed. This argument is based on Appellant's Fourth Argument, that Najork does not teach "a plurality of web crawlers."

Examiner's Fifth Response:

Najork teaches: "assigning a web crawler identifier [queue identifier "r" (See Figs. 2-4)] to each one of the plurality of web crawlers [each thread (crawler) is assigned to

exactly one queue (See Fig. 3B)]." Each worker thread is a web crawler, as per the reasoning in Examiner's First Response and Examiner's Fourth Response above.

Appellant's Sixth Argument:

Appellant argues that Najork does not teach or suggest "determining a web crawler identifier to which the representation corresponds; and when the determined web crawler identifier is not assigned to the respective web crawler, sending the identified address to the web crawler to which the determined web crawler identifier is assigned" as claimed. Again, this argument is based on Appellant's Fourth Argument, that Najork does not teach "a plurality of web crawlers."

Examiner's Sixth Response:

Najork teaches:

"generating a representation [canonical host name / host identifier "H"] of the host computer identifier [See Steps 301 & 502];

determining a web crawler identifier [See Steps 302-304, and 508 & 552] to which the representation corresponds; and

when the determined web crawler identifier is not assigned to the respective web crawler, sending the identified address [queuing the URL (See Steps 306, 510 & 554)] to the web crawler to which the determined web crawler identifier is assigned [See Figs. 3-5]" as claimed.

Each worker thread is a web crawler, as per the reasoning in Examiner's First Response and Examiner's Fourth Response above. Thus, the examiner maintains that Najork teaches each and every limitation of claims 1-4 and 6-14.

C. Rejection of Claims 1-4 and 6-14 under 35 U.S.C. §102(f).

Appellant's Seventh Argument:

Appellant argues that inventor/applicant Marc A. Najork is the original, first and sole inventor of the claimed subject matter. Appellant's argument is based on the Declaration for Patent Application filed with the instant application papers, as well as Appellant's First Argument through Appellant's Sixth Argument as above.

Examiner's Seventh Response:

Examiner's First Response through Examiner's Sixth Response above address the second part of Appellant's argument in its entirety, and are therefore incorporated by reference herein. The Heydon and Najork references both fully disclose the claimed subject matter (Heydon – independent claims; Najork – all claims), as shown above. Inventor/applicant Marc A. Najork is co-author of the Heydon article, and co-inventor of the Najork Patent. Further, the Najork Patent was assigned to Alta Vista Company at its time of Issuance, and now appears to be assigned to Overture Services, Inc. as per Reel/Frame: 014394/0899. Clark A. Heydon is also co-author of the Heydon article, and co-inventor of the Najork Patent. The discontinuity in authorship and inventorship between Heydon & Najork and the instant application, as well as the discontinuity in assignment of the Najork Patent and the instant application, all shown by the above facts, raise a substantial question of inventorship of the claimed subject matter under 35 U.S.C. §102(f). Appellant has not met the burden of proof under 37 CFR 1.131 or 37 CFR 1.132. The Declaration for Patent Application filed with the instant application is not sufficient proof of inventorship in light of the above facts.

D. Rejection of Claims 1-4 and 6-14 under 35 U.S.C. §102(e) – Eichstaedt.

Appellant's Eighth Argument:

Appellant argues that Eichstaedt does not teach or suggest "assigning a web crawler identifier to each one of the plurality of web crawlers" as recited in claim 1.

Examiner's Eighth Response:

Again, appellant has failed to rebut the *prima facie* case of anticipation, reducing Eichstaedt's disclosure to a single summary and failing to consider the relevant facts. Eichstaedt does teach how to divide a web-graph between processors, as stated by appellant. Examiner agrees with this assessment. However, Eichstaedt further teaches that each processor functions as a gatherer [web crawler]. Eichstaedt also teaches that "Each sub-graph is mapped to a processor (e.g. W_i to processor i)." [Col. 10, lines 18-21] Eichstaedt goes on to refer repeatedly to "processor i" and "processor j" in the disclosure throughout Column 10. One cannot ignore the fact that Eichstaedt's disclosure establishes the mapping between sub-graphs and processors through an identifier for each processor. Therefore, Eichstaedt does teach "assigning a web crawler identifier to each one of the plurality of web crawlers" as claimed. Note, this response applies to each of claims 1, 6 and 10.

Appellant's Ninth Argument:

Appellant argues that Eichstaedt does not teach or suggest "generating a representation of a host computer identifier" and "determining a web crawler identifier to which the representation corresponds" as claimed. This argument is also based on Appellant's Eighth Argument above.

Examiner's Ninth Response:

Yet again, appellant has failed to rebut the *prima facie* case of anticipation, reducing Eichstaedt's disclosure to a single summary and failing to consider the relevant facts. As presented in the grounds for rejection of exemplary claim 1, the relevant language and portions of Eichstaedt are mapped to the claim as follows:

"A method of downloading data sets by a plurality of web crawlers [gatherers (608)] from among a plurality of host computers, comprising the steps of:

assigning a web crawler identifier [gatherer processor id "i" (See column 10)] to each one of the plurality of web crawlers;

for each respective web crawler:

downloading at least one data set that includes addresses of one or more referred data sets [See column 5, lines 35-50];

identifying the addresses [URL(s)] of the one or more referred data sets, wherein each identified address includes a host computer identifier [host domain name (See Figs. 5-6 & columns 9-10)];

for each identified address:

generating a representation [superpage] of the host computer identifier;

determining a web crawler identifier to which the representation corresponds [through mapping of superpages to gatherer processors (See Fig. 6)]; and

when the determined web crawler identifier is not assigned to the respective web crawler, sending [forwarding/sending] the identified address to the web crawler to which the determined web crawler identifier is assigned [See column 6, lines 39-67 and column 12, lines 32-38]."

Appellant's arguments are piecemeal, and fail to address the above mapping of claim elements. The Eichstaedt reference, although it may not use the exact terminology of the claims, still *prima facie* anticipates the claims as one of ordinary skill

in the art would easily recognize. Examiner's Eighth Response also applies here, and is incorporated by reference.

E. Rejection of Claims 15-18 under 35 U.S.C. §103 – Eichstaedt and Najork.

Appellant's Tenth Argument:

Appellant argues that the combination of Eichstaedt and Najork does not teach or suggest all the claim limitations, based solely on the reasoning provided in Appellant's Fourth Argument through Appellant's Sixth Argument (Section B) and Appellant's Eighth Argument through Appellant's Ninth Argument (Section D) above.

Examiner's Tenth Response:

The examiner's reasoning found in the Examiner's Fourth Response through Examiner's Sixth Response (Section B) and Examiner's Eighth Response through Examiner's Ninth Response (Section D) above, herein incorporated by reference, is applicable to, and addresses this argument in its entirety.

For the above reasons, it is believed that the rejections should be sustained.

An appeal conference was held on 18 August 2005 with the below listed conferees.

Respectfully submitted,

Conferees

Brian D. Goddard
Examiner, AU 2161

Safet Metjahic
SPE, AU 2161

Jeffrey Gaffin
SPE, AU 2165

18 August 2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400